

Appl. No. 10/059,700
Reply to Examiner's Action dated June 3, 2005

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-31 in the application. Claims 10-31 were withdrawn pursuant to an election. The Applicants have amended Claims 1 and 3. No additional claims have been added or canceled. Accordingly, Claims 1-9 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has objected to the specification because of certain informalities regarding blanks in line 8 on page 5; line 10 on page 12; line 3 on page 13; and line 8 on page 14. The specification has been amended to address these informalities.

The Examiner also objected to a claim informality in Claim 3. Claim 3 has been amended to correct this informality.

II. Rejection of Claims 1 and 2 under 35 U.S.C. §102

The Examiner rejected Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,625,207 to Skeie. As the Examiner is no doubt aware, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference; the

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disclosed elements must either be disclosed expressly or inherently and must be arranged as in the rejected claims.

Skeie describes a transponder based on a surface acoustic wave device. The device described in Skeie uses a plurality of tap transducer elements arranged on the surface of a piezoelectric substrate to encode a signal. (Abstract). In describing the manufacture of the device, Skeie does not describe using a master reticle on a stepper to form, on piezoelectric wafers, wafer-independent patterns that encode digits of a first significance and different ones of a library of coding reticles on a stepper to form, on piezoelectric wafers, wafer-dependent patterns that encode digits of a second significance. Nor does Skeie teach or suggest that a stepper and reticles can be used in the manner claimed in the present invention. Therefore, Skeie does not disclose each and every element of the invention claimed in independent Claim 1 and as such, is not an anticipating reference. Because Claim 2 is dependent upon Claim 1, Skeie also cannot be an anticipating reference for Claim 2. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

III. Allowable Subject Matter

The Examiner indicated Claims 3-9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants have rewritten Claim 3 in independent form and have included all the limitations of the base claim. Inasmuch as Claims 4-9 are already dependent on Claim 3, they now also include all the limitations of the base claim. The Applicants respectfully request the Examiner to allow these claims.

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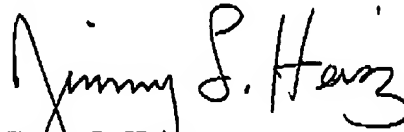
IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-9.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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